



**MINUTES OF SPECIAL JOINT MEETING OF THE  
CITY COUNCIL/REDEVELOPMENT AGENCY  
OF THE CITY OF HAYWARD  
City Council Chambers  
777 B Street, Hayward, CA 94541  
Tuesday, June 22, 2004, 8:00 p.m.**

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**MEETING**

The Meeting of the Special Joint City Council/Redevelopment Agency was called to order by Mayor/Chair Cooper at 8:00 p.m., followed by the Pledge of Allegiance led by Council/RA Member Jimenez.

**ROLL CALL**

Present: COUNCIL/RA MEMBERS Jimenez, Quirk,  
Halliday, Ward, Dowling, Henson  
MAYOR/CHAIR Cooper

Absent: None

**PUBLIC COMMENTS**

Jason Moreno made announcements related to Ralph Nader, the Sunday Hayward Band concerts, and the community meeting to be held at Hillview Crest on June 29<sup>th</sup>.

Zack Bruno commented on the Council pay increase of 2001, as well the current recall effort.

Harry Bruno continued his comments on the Calhoun investigation report, and his efforts to recall the Mayor.

Francisco Abrantes spoke about two houses that need inspection.

Jim Drake asked for a postponement of a rental unit inspection scheduled for July 16 to October 11.

Barbara Heringer-Swarr commented on the on-going video series in Room 910 at Chabot College related to globalization and the U.S. Drug Policy.

William Blundin suggested that Council reduce its pay to help the budget.

Mayor Cooper read a statement responding to the notification of intention to recall and listed the accomplishments during her service on the Council.

**CONSENT**

Items 2 and 3 were removed for further discussion.

1. Approval of Minutes of the Special Joint City Council/Redevelopment Agency Meeting of June 15, 2004

**DRAFT**

It was moved by Council/RA Member Ward, seconded by Council/RA Member Jimenez, and unanimously carried to approve the minutes of the Special Joint City Council/Redevelopment Agency Meeting of June 15, 2004.

2. Adoption of an Ordinance Related to Zone Change for Sara Conner Place – Eden Housing, Inc, (Applicant) – The Property is Located at 32525, 32527 Mission Boulevard

Staff report submitted by City Clerk Reyes, dated June 22, 2004, was filed.

Barbara Heringer-Swarr reported that her comments in the previous meeting minutes were not accurate. She clarified that, in her opinion, the \$2 million on Site 4 was a gift to the developer and the property was taken using eminent domain or its threat. She noted that the developer is paying no interest or planning fees until the units are sold. The developer also has a lower in-lieu fee for parks than what is current. She commented that Eden Housing purchased its property and would be paying the standard planning fees even though the in-lieu fees have been waived and there is no City gift. She thought that the non-profit receiving a 55-year loan at 3 percent was very different from a for-profit developer who is getting a \$2 million interest-free loan from the City as well as a \$2.5 million gift. She suggested that the non-profit be given a better deal than the for-profit.

Council Member Halliday asked her to consider the difference.

Council Member Dowling responded that the financing for Eden Housing was at their request. He indicated that there was no gift to Olson Housing, but money from the Redevelopment Agency for them to build affordable housing.

It was moved by Council Member Dowling, seconded by Council Member Quirk, and carried with Council Member Ward abstaining, to adopt the following:

Ordinance 04-07, “An Ordinance Amending Section 10-1.168 of Chapter 10, Article 1 of the Hayward Municipal Code by Rezoning Certain Territory Considered in Connection with Zone Change Application PL-2004-0188”

3. Approval of Request by HARD Concerning Allocation of Park-in-lieu Fees

Staff report submitted by Landscape Architect Carranza, dated June 22, 2004, was filed.

Karl Zabel, representing HARD, thanked the Council for its support and was present to respond to questions.

Council Member Dowling said he lives near the golf course and wondered when the driving range would be open.



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Mr. Zabel responded that it will be complete in three or four weeks and Council will be notified.

Council Member Henson wondered whether the financial duress of HARD supports the request. He also asked what funds remain for each zone.

City Manager Armas explained that funding is allocated by zones and the strongest residential development is on the west side. He will provide an updated report to Council.

Council Member Jimenez complimented HARD on its management in spite of State budget impacts.

Council Member Ward asked about the Mission Hills driving range and expressed concern about the possibility of golf balls hitting the BART trains.

Mr. Zabel stated that BART engineers felt that the netting is adequate and the netting goes up to 120 feet.

City Manager Armas indicated that the whole project was a separate land use issue and was reviewed by the Planning Commission separately.

Council Member Halliday said she visited the Twin Bridges neighborhood and said the netting is quite dramatic. She asked if the neighbors had commented.

Mr. Zabel said the plans have been available to the residents and there have been no negative comments.

Jim Drake expressed concern about the lack of water on the Eden Greenway.

Mr. Zabel commented that HARD has been impacted by State budget cuts of 60 percent. As a result, signage was posted explaining its aim to maintain as many parks as possible. He said there is a planned strategy for saving the public money.

Council Member Henson suggested Mr. Zabel come to the community meeting next week to explain current State budget impacts to that area.

City Manager Armas said he was meeting with General Manager Eric Willyerd and would mention it to him as well.

It was moved by Council Member Henson, seconded by Council Member Dowling, and unanimously carried to adopt the following:

**DRAFT**

Resolution 04-096, “Resolution Allocating Funds in Park Dedication In-Lieu Fees to Renovate Three Parks”

Resolution 04-097, “Resolution Amending Resolution 03-091, as Amended, the Budget Resolution for Capital Projects for Fiscal Year 2003-04 Relating to an Appropriation of Funds for Dedication of Park-In-Lieu Fees for Various Parks Throughout the City of Hayward”

4. Adoption of Resolutions to Extend the Memorandum of Understanding with the Service Employees International Union Local 790 Clerical and Related and Maintenance Units

Staff report submitted by Human Resources Director Perrin-Scales, dated June 22, 2004, was filed.

It was moved by Council Member Ward, seconded by Council Member Jimenez, and unanimously carried to adopt the following:

Resolution 04-090, “Resolution Accepting the Extension of the Memorandum of Understanding Between the City of Hayward and Service Employees International, Local 790 (Clerical and Confidential Unit and Maintenance Unit)”

5. Adoption of a Resolution to Extend the Memorandum of Understanding with the Hayward Association of Management Employees

Staff report submitted by Human Resources Director Perrin-Scales, dated June 22, 2004, was filed.

It was moved by Council Member Ward, seconded by Council Member Jimenez, and unanimously carried to adopt the following:

Resolution 04-091, “Resolution Adopting the Extension of the Memorandum of Understanding Between the City of Hayward and the Hayward Association of Management Employees”

6. Adoption of a Resolution to Extend the Salary and Benefits Resolution for Unrepresented Employees

Staff report submitted by Human Resources Director Perrin-Scales, dated June 22, 2004, was filed.

It was moved by Council Member Ward, seconded by Council Member Jimenez, and unanimously carried to adopt the following:



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Resolution 04-092, "Resolution Adopting the Extension of the Memorandum of Understanding Between the City of Hayward and the Unrepresented Employees"

7. Adoption of a Resolution to Extend the Memorandum of Understanding with the Hayward Fire Management Employees

Staff report submitted by Human Resources Director Perrin-Scales, dated June 22, 2004, was filed.

It was moved by Council Member Ward, seconded by Council Member Jimenez, and unanimously carried to adopt the following:

Resolution 04-093, "Resolution Adopting the Extension of the Memorandum of Understanding Between the City of Hayward and the Hayward Fire Management Association"

8. Adoption of a Resolution to Extend the Memorandum of Understanding with the International Federation of Professional and Technical Engineers Local 21

Staff report submitted by Human Resources Director Perrin-Scales, dated June 22, 2004, was filed.

It was moved by Council Member Ward, seconded by Council Member Jimenez, and unanimously carried to adopt the following:

Resolution 04-094, "Resolution Adopting the Extension of the Memorandum of Understanding Between the City of Hayward and the International Federation of Professional and Technical Engineers Local 21"

9. Project Management Services for Implementation of Cannery Plan

Staff report submitted by Deputy Director of Public Works Bauman, dated June 22, 2004, was filed.

It was moved by Council Member Ward, seconded by Council Member Jimenez, and unanimously carried to adopt the following:

Resolution 04-095, "Resolution Authorizing the City Manager to Execute an Employment Agreement Between Patricia Martel and the City of Hayward"

**DRAFT**

## HEARINGS

10. Consolidated Landscaping and Lighting District No. 96-1, Zones 1 through 10 – Approve the Engineer’s Report, and Order the Levy of Assessments for FY 2004-05

Staff report submitted by Development Review Engineer Gaber, dated June 22, 2004, was filed.

Development Review Engineer Gaber made the staff report. He noted that the Prominence Homeowners Association asked for an increase in fees due to the landscaping and maintenance services. He explained that over the next month staff would be working with the Association to determine the work that needs doing as well as the costs. There would be further elections this year since there are no changes in the fees.

Council Member Dowling stated that the Prominence neighborhood has been an issue since he has been on the Council, so he thanked the staff for their efforts to work with them.

Mayor Cooper opened the public hearing at 8:47 p.m.

Crystal Porter, a representative on the Prominence Landscape Committee, noted that homeowners were not aware of the petition process. She was pleased with both Director of Public Works Butler and Landscape Maintenance Manager Nagle’s response to rectify the landscape travesty in that development. She noted that Prominence homeowners are ready to take steps to circulate a petition to increase the assessment. They want to improve the image in that area, adding that they are adjacent to the new Blue Rock Development.

Council Member Halliday thanked her for her concern and the interest taken by the residents of that neighborhood.

Mayor Cooper closed the public hearing at 8:53 p.m.

It was moved by Council Member Ward, seconded by Council Member Jimenez, and unanimously carried to adopt the following:

Resolution 04-098, “Resolution Approving the Engineer’s Report and Ordering Levy of Assessment for Fiscal Year 2004-05 for Zones 1-10 of the Consolidated Landscaping and Lighting Assessment District No. 96-1”

11. Maintenance District No. 1 – Storm Drainage Pumping Station and Storm Drain Conduit - Pacheco Way, Stratford Road and Ruus Lane – Approve the Engineer’s Report, and Order the Levy of Assessments for FY 2004-05



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Staff report submitted by Development Review Engineer Gaber, dated June 22, 2004, was filed.

Development Review Engineer Gaber gave a brief staff report.

Council Member Henson asked for clarification of Proposition 218 in this regard, and why this does not fit within those confines calling for an election.

Development Review Engineer Gaber reported that with no increase in funding for the district, no vote is necessary.

Council Member Halliday asked whether this includes the new part of Stratford Village.

Development Review Engineer Gaber explained that this is only the older part of the development.

As there were no requests to speak, Mayor Cooper opened and closed the public hearing at 8:55 p.m.

It was moved by Council Member Henson, seconded by Council Member Dowling, and unanimously carried to adopt the following:

Resolution 04-099, "Resolution Approving the Engineer's Report, Confirming the Assessment Diagram and Assessment, and Ordering Levy and Collection of Assessment for the 2004-05 Fiscal Year, Maintenance District No. 1, Storm Drain Pumping Station and Storm Drain Conduit – Pacheco Way, Stratford Road, and Ruus Lane (MD No. 1)"

12. Maintenance District No. 2 – Eden Shores Buffer Zone and Pre-Treatment Pond – Approve the Engineer's Report and Order Levying of Assessments and the Setting of Collection Rates for FY 2004-05

Staff report submitted by Development Review Engineer Gaber, dated June 22, 2004, was filed.

Development Review Engineer Gaber noted that the County would be maintaining the treatment pond and the City would be in charge of the water buffer.

Council Member Ward asked about the habitat and whether the improvement is consistent with previously set goals. He also asked about mitigation measures in the development.

**DRAFT**

Development Review Engineer Gaber responded that Standard Pacific has hired an observer to monitor any animal incursion into the buffer area. He noted that other than the problems with the bridge not working properly, there were no problems.

Planning Manager Anderly commented that this is part of the evaluation and mitigation measures adding that each property owner is notified of the measures and anyone with a cat is required to keep them on a leash.

Council Member Henson asked about the construction by Standard Pacific and the maintenance involved.

Development Review Engineer Gaber commented that the original design of the water buffer has been modified for using fresh water rather than salt water for the habitat. The predator fence tends to corrode. This assessment will include the operation of the pumps, landscaping on both sides and cleaning of the buffer.

As there were no requests to speak, Mayor Cooper opened and closed the public hearing at 9:02 p.m.

It was moved by Council Member Ward, seconded by Council Member Henson, and unanimously carried to adopt the following:

Resolution 04-100, "Resolution Approving the Engineer's Report, Confirming the Assessment Diagram and Assessment, and Ordering Levy and Collection of Assessment for the 2004-05 Fiscal Year, Maintenance District No.2, Eden Shores Buffer Zone and Pre-Treatment Pond (MD No. 1)"

## **LEGISLATIVE BUSINESS**

13. Adoption of the Budget for the City of Hayward and Redevelopment Agency for Fiscal Year 2004-05, including the Master Fee Schedule, Gann Appropriation Limit, Community Promotions Program Funding and Capital Improvement Program Budget

Staff report submitted by City Manager/Executive Director Armas, dated June 22, 2004, was filed.

City Manager/Executive Director Armas summarized the highlights of a balanced budget as previously presented at work sessions. He noted the corrective measures that had been taken and the challenge to future budget years.

Council/RA Member Henson asked about the undercover narcotics task force budget.

City Manager/Executive Director Armas noted that the essential concern was that the City maintain sufficient patrol staff for community emergency. The City will continue to fund two officers dealing





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with gangs as well as maintaining the school resource officers. The City of Hayward will also dedicate two officers assigned to the countywide task force. Lastly, he pointed out that these two officers would also be available for community policing, should the need arise.

Mayor/Chair Cooper opened and closed the public hearing at 9:07 p.m., with no further comment from the public.

It was moved by Council/RA Member Quirk, seconded by Council/RA Member Henson, and unanimously carried to adopt the following:

Resolution 04-101, "Resolution Approving the Budget of the City of Hayward for Fiscal Year 2004-2005; Adopting Appropriations for Fiscal Year 2004-2005"

Resolution 04-102, "Resolution Approving Capital Improvement Projects for Fiscal Year"

RA Resolution 04-07, "Resolution Approving the Budget of the Redevelopment Agency of the City of Hayward and Adopting Appropriations for Fiscal Year 2004-2005"

Resolution 04-103, "Resolution Adopting a Revised Master Fee Schedule Relating to Fees and Charges for Departments in the City of Hayward and Rescinding Resolution No. 03-092 and All Amendments Thereto"

Resolution 04-104, "Resolution Establishing the Appropriation Limit for Fiscal Year 2004-2005"

Resolution 04-105, "Resolution Approving Community Promotions Program Activity Allocations for Fiscal Year 2004-2005"

14. Selection of Mayor Pro Tempore

Staff report submitted by City Clerk Reyes, dated June 22, 2004, was filed.

There were no requests to speak, Mayor Cooper opened and closed the public hearing at 9:09: p.m.

**DRAFT**

Mayor Cooper asked Council Member Jimenez if he would accept the position of Mayor Pro Tempore.

Council Member Jimenez was pleased and accepted the position.

It was moved by Council Member Henson, seconded by Council Member Ward, and unanimously carried to adopt the following:

Resolution 04-106, "Resolution Authorizing the Election of Mayor Pro Tempore of the City of Hayward for 2004-2005"

## **COUNCIL REPORTS**

Mayor Cooper reported that she would be attending the U.S. Conference of Mayors in Boston.

Council Member Halliday suggested that as much as possible be done to take preventive measures against fires in the hills. She commented that members of the Woodland Estates Homeowners Association have come before Council in this regard. She urged all who have property in the hills to make a special effort to maintain weeds, clear brush and cut back vegetation.

## **ADJOURNMENT**

Mayor/Chair Cooper adjourned the meeting at 9:12 p.m.

APPROVED:

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Roberta Cooper, Mayor, City of Hayward  
Chair, Redevelopment Agency

ATTEST:

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Angelina Reyes, City Clerk, City of Hayward  
Secretary, Redevelopment Agency